

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 9 and 17 have been amended. Claims 16 and 25-28 were previously cancelled without prejudice. No new claims have been added. Therefore, claims 1-15 and 17-24 are presented for examination.

### 35 U.S.C. § 102 Rejection

Claims 1-15 and 17-24 are rejected under 35 U.S.C. §102(e) as being anticipated by Ogasawara, U.S. Patent No. 6,671,877 (“Ogasawara”).

Claim 1, as amended, recites:

A method comprising:  
storing native code associated with a first method and a second method within a native code space;  
associating a reference to the first method and the second method in a method table;  
determining whether the first method or the second method is invoked by detecting whether the first method or the second method correspond to the native code;  
determining whether the native code space exceeds a threshold in response to an invocation of the first method or the second method;  
incrementing method counters each time the first method or the second method is invoked, wherein the method counters correspond to the first method and the second method;  
unwinding a stack to determine whether the first method or the second method is active based on whether a corresponding method counter has exceeded a count threshold;  
reclaiming the native code associated with the first method and compiling byte code into native code associated with the second method in response to determining that the second method is active; and  
updating the method table for the first method.

Ogasawara discloses “a method is compiled by a JIT compiler if it is determined that it is executed more than a certain level in terms of *execution frequency or execution time*. Once generated, JITed codes are managed in memory. The time when a JAVA

system assures that they can be safely discarded is when *the JAVA system discards a*

*class by garbage collection.”* (col. 1, lines 51-57; emphasis provided). Ogasawara further discloses that *“if a memory request of a JIT compiler cannot be met in a certain thread, the thread temporarily stops all the threads other than itself and locates active methods.”* (col. 4, lines 8-11; emphasis provided). Ogasawara does not teach or reasonably suggest “determining whether the first method or the second method is invoked by detecting whether the first method or the second method correspond to the native code . . . determining whether the native code space exceeds a threshold in response to an invocation of the first method or the second method” as recited by claim 1. (emphasis added) Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claim.

Claims 9 and 17 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 9 and 17 and their dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

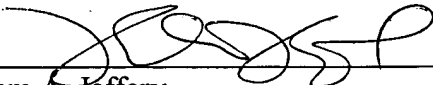
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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